

## AMENDMENT TO THE CONTRACT FOR PROFESSIONAL DESIGN AND CONSULTING SERVICES FOR MAPLEWOOD AND BEECHWOOD CEMETERIES FACILITIES AND SITE IMPROVEMENT STUDY

This contract amendment ("Amendment") is dated and entered into as of the 8th day of December, 2014, between COULTER JEWELL THAMES, PA ("Contractor") and City of Durham ("City" or "Owner").

BACKGROUND. The City and the Contractor entered into a contract titled "PROFESSIONAL DESIGN AND CONSULTING SERVICES FOR MAPLEWOOD AND BEECHWOOD CEMETERIES FACILITIES AND SITE IMPROVEMENT STUDY", dated March 4, 2013. That contract is referred to as the "Original Contract." The Original Contract is hereby amended as follows:

1. Insert the following after the original payment schedule in Article 11.2.1 Basic Compensation:

The total not to exceed amount of \$46,300.00 is hereby increased by a lump sum of One Hundred Forty-Eight Thousand, Nine Hundred Fifty dollars (\$148,950.00) for full design services, and a not-to-exceed allowance amount of Fifty-Three Thousand, One Hundred and Thirty dollars (\$53,130.00) for additional services, for a revised total not to exceed amount of \$248,380.00. Compensation for this Amendment will be billed hourly according to rates contained in the "Exhibit A."

2. Exhibit A - Scope of Work: Design and Consulting Services for Maplewood and Beechwood Cemeteries Facilities and Site Improvements Study, is amended as follows:

Insert the following section at the end of the Basic Services section of Exhibit A:

### **10. Amendment 1 Basic Services for this project shall include the following services:**

#### **10.1 PROJECT DESCRIPTION – Maplewood Cemetery:**

Preparation and submittal of concept plan through construction administration for improvements at Maplewood Cemetery including:

- Entry columns, new signage and security gates at the University Drive entry, associated driveway narrowing, sidewalk repair, sidewalk accessibility to the office, additional office parking, and associated landscaping, and lighting from the entry to the office.
- Security gates at four secondary entries with improvements to driveway aprons and associated landscaping. These four entries include the east side of Chapel Hill Road between sections R and U, the entry off the west side of Kent Street between sections W and T, the entry off the east side of Kent Street between sections N and K, and the entry off the east side of Kent Street between sections A and C.
- Relocation of the existing entry on the west side of Chapel Hill Rd, including gates and repair of abandoned driveway. This access relocation is not to disturb any existing burial sites.
- Asphalt road replacement in selected stretches throughout cemetery (based on existing conditions as documented in the 2014 study)

- Gravel road repair in historic sections of Maplewood Cemetery
- Designation of spaces for soil storage and trash handling. Anticipated that this will be covered storage in an open roofed structure with appropriate vehicular access and screening.
- Renovation to the existing office space to accommodate handicap accessible toilet facilities and drinking fountain per code.
- New 3,000 sf prefab maintenance building and associated site work to situate building and meet City of Durham requirements.
- Additional improvements required by regulatory agencies as necessary to gain approvals.
- 1 storm bmp in area of new buildings
- Investigate best water and sanitary sewer service option for the new maintenance building.
- One Level 3 Site Plan review and approval process. The scope of work will be shown in phases.

## **10.2 PROJECT DESCRIPTION – Beechwood Cemetery:**

Preparation and submittal of concept plan through construction administration for improvements at Beechwood Cemetery including:

- Entry columns, new signage and security gates at the main Fayetteville Road entry, with associated sidewalk accessibility to the office, additional office parking, and associated landscaping.
- Creation of a separate service area in the northwest corner of the cemetery for soil storage, trash handling. Much of the soil material storage will be in an open roofed structure. Appropriate vehicular access and screening.
- Asphalt pavement repair in select sections throughout the cemetery, based on those areas identified in the 2014 study.
- Miscellaneous signage and ground stabilization for small disturbed patches throughout cemetery.
- New canopy covered area for non-graveside services. This will include associated parking and accessibility improvements.
- One Level 2 Site Plan review and approval process. The scope of work will be shown in phases.
- Additional improvements required by regulatory agencies as necessary to gain approvals.

## **Scope of Amendment 1 Basic Services:**

The Consultant shall provide the following limited basic services. Sub consultant Roughton Nickelson DeLuca architect will provide architectural services along with their sub-consultants.

### Task 1: Surveying

#### ***1a. Topographic Surveying – Maplewood Cemetery***

- 1.1 Prepare a topographic and physical survey of visible conditions and known underground utilities as marked by NC 811. Survey area will be limited to project areas as shown on the plan attached to this proposal.
- 1.2 Partial right of way and topographic survey for the immediate project area.

1.3 Road width verification in areas where road repair will be done

**1b. Topographic Surveying – Beechwood Cemetery**

1.4 Prepare a topographic and physical survey of visible conditions and known underground utilities as marked by NC 811. Survey area will be limited to project areas as shown on the plan attached to this proposal.

1.5 Partial right of way and topographic survey for the immediate project area.

**Task 2: Schematic Design**

**2a. Schematic Design – Maplewood Cemetery**

2.1 Layout scope items as outlined in Project Description.

2.2 Investigate best water and sanitary sewer service option for new maintenance building.

2.3 Schematic design of new 3000 sf maintenance facility and associated parking in new service area.

2.4 Schematic design of new trash and soil handling area.

2.5 Review necessity of automated gates at secondary entries. Final determination of which gates will be automated (requiring electrical service) and which gates will be manual.

**2b. Schematic Design – Beechwood Cemetery**

2.5 Layout scope items as outlined in Project Description.

2.6 Schematic design of new covered burial service pavilion and associated parking and walkways.

2.7 Schematic design of new trash and soil handling area.

**Task 3: Design Development / Site Plan Approval**

**3a Design Development Drawings / Site Plan Approval – Maplewood Cemetery**

After Client has signed off on schematic design, the design development drawings will be initiated for submittal to the City of Durham for site plan approval.

3.1 Design Development Drawings/Site Plan Approval – Maplewood Cemetery

Prepare 50% site drawings showing the following:

- Existing conditions
- Demolition plan
- Layout of site improvements including building footprints and elevations as required for City review
- Preliminary grading plan. If a storm BMP is required, see item 6.
- Stormwater impact analysis.
- Preliminary lighting plan (assumes Duke Energy lease lights will be used)
- Preliminary landscape plan in all project areas
- Preliminary details of gates and columns at the University Drive entry
- Preliminary electrical plans (calling out need for conduit and meters, indicating electrical element locations)
- New building elevations as needed for City review

3.2 Meet with Owner and get design sign off prior to City approval process submittal

3.3 It is anticipated that the project will need a Level 3 Site Plan approval. These drawings would be sufficiently detailed for the site plan review process.

- 3.4 Site plan submittal and revisions for approval.
- 3.5 Compliance with all design criteria established by local, state, and federal regulatory agencies, including design of 1 stormwater BMP at Maplewood Cemetery.
- 3.6 Preliminary cost estimate to establish construction budget
- 3.7 Project meetings.

**3b Design Development Drawings / Site Plan Approval – Beechwood Cemetery**

After Client has signed off on schematic design, the design development drawings will be initiated for submittal to the City of Durham for site plan approval.

**3.8 Design Development Drawings/Site Plan Approval – Beechwood Cemetery**

Prepare 50% site drawings showing the following:

- Existing conditions
- Demolition plan
- Layout of site improvements including building footprints and elevations for service pavilion and soil/trash handling structure as required for City review
- Preliminary grading plan. If a storm BMP is required, see Task 6.
- Stormwater impact analysis.
- Preliminary lighting plan (assumes Duke Energy lease lights will be used)
- Preliminary landscape plan at the University Drive entry
- Preliminary details of gates and columns at the University Drive entry
- Preliminary electrical plans (calling out need for conduit and meters, indicating electrical element locations)

**3.9 Meet with Owner and get design sign-off prior to City approval process submittal**

3.10 It is anticipated that the project will need a Level 2 Site Plan approval. These drawings would be sufficiently detailed for the site plan review process.

**3.11 Site plan submittal and revisions for approval.**

3.12 Compliance with all design criteria established by local, state, and federal regulatory agencies, including design of 1 stormwater BMP at Maplewood Cemetery.

**3.13 Preliminary cost estimate to establish construction budget**

**Task 4: Construction Documentation**

**4a Construction Documentation – Maplewood Cemetery**

4.1 Prepare plans, specifications and support calculations suitable for approvals, pricing, and construction excluding any street improvements required by the City of Durham.

- Demolition plan
- Site layout plan
- Pavement rehabilitation plan
- Grading and drainage plan (see Task 6 for BMP design)
- Water and sewer service connection plan
- Landscape plan
- New columns, gates, and signage plus vehicular and pedestrian pavement alterations and improvements at the University Drive entry

- New columns, gates and signage plus vehicular pavement improvements at the secondary entries.
  - Electrical circuit design drawings for gate operators for the University Drive entry
  - Electrical circuit design drawings for gate operators for secondary entries if chosen by Owner – this is an allowance in the fee schedule
  - Building plans and elevations including PM&E and structural design details
  - Construction details
  - Technical Specifications
- 4.2 Submit CD package, including construction cost estimate, to Owner for approval prior to any formal City approval process submittals.

**4b Construction Documentation – Beechwood Cemetery**

- 4.3 Prepare plans, specifications and support calculations suitable for approvals, pricing, and construction excluding any street improvements required by the City of Durham.
- 4.3.1 Demolition plan
  - 4.3.2 Site layout plan
  - 4.3.3 Pavement rehabilitation plan
  - 4.3.4 Grading and drainage plan (see Task 6 for BMP design)
  - 4.3.5 Water and sewer service connection plan
  - 4.3.6 Landscape plan
  - 4.3.7 Building plans and elevations for service pavilion and for soil and trash handling facility, including PM&E and structural design details
  - 4.3.8 Construction details
  - 4.3.9 Technical Specifications
- 4.4 Submit CD package, including construction cost estimate, to Owner for approval prior to any formal City approval process submittals

Task 5: Permitting and Regulatory Approvals

**5a Permitting and Approvals – Maplewood Cemetery**

- 5.1 Provide plans and applications for regulatory approvals including Construction Drawing application through City of Durham Public Works, right of way encroachment agreements through NC DOT and City of Durham, and erosion control permit through NC DENR.

**5b Permitting and Approvals – Beechwood Cemetery**

- 5.2 Provide plans and applications for regulatory approvals including Construction Drawing application through City of Durham Public Works, right of way encroachment agreements through NC DOT, and erosion control permit through NC DENR.

Task 6: Storm BMP Design and Permitting – Maplewood Cemetery

**6a BMP Design and Permitting – Maplewood Cemetery**

Design, permitting, additional as-built surveying, and Record drawings/certification of one above ground stormwater management (SWM) pond or similar device at Maplewood Cemetery.

- 6.1 Prepare additional drawings, calculations and support data for the Site Plan Phase
- 6.2 Prepare additional drawings, details and specifications necessary for CD's and regulatory permitting
- 6.3 Provide additional Construction Observation phase services
- 6.4 Provide field surveying to determine as-built configuration of SWM
- 6.5 Provide Record Drawings and Certifications to Durham Public Works as required for sign off from Public Works.

**6b BMP Design and Permitting – Maplewood Cemetery**

Design, permitting, additional as-built surveying, and Record drawings/certification of one stormwater management device (SWM) at Beechwood Cemetery.

- 6.6 Prepare additional drawings, calculations and support data for the Site Plan Phase
- 6.7 Prepare additional drawings, details and specifications necessary for CD's and regulatory permitting
- 6.8 Provide additional Construction Observation phase services
- 6.9 Provide field surveying to determine as-built configuration of SWM
- 6.10 Provide Record Drawings and Certifications to Durham Public Works as required for sign off from Public Works.

**Task 7: Bidding and Negotiation**

This task assumes client takes the lead on bidding and advertising.

**7a Bidding and Negotiation – Maplewood Cemetery**

- 7.1 Prepare a bid manual using front end documents provided by Owner
- 7.2 Attend and document a pre-bid meeting (1)
- 7.3 Issue addendums and clarifications as needed
- 7.4 Attend one (1) bid opening

**7b Bidding and Negotiation – Beechwood Cemetery**

- 7.5 Prepare a bid manual using front end documents provided by Owner
- 7.6 Attend and document a pre-bid meeting (1)
- 7.7 Issue addendums and clarifications as needed
- 7.8 Attend one (1) bid opening

**Task 8: Construction Observation**

**8a Construction Observation – Maplewood Cemetery**

- 8.1 Make site visits, coordinate, run and document bi-weekly project construction meetings, and provide clarification drawings while the site construction is in progress to assist the contractor in interpreting the contract documents and to ascertain the contractor's conformance with plans, and inform the Owner of any discrepancies. Scope assumes an 8 month construction duration. Allowance for 8 additional progress meetings over the course of construction.

- 8.2 Provide field reports
- 8.3 Review project site submittals and change orders.
- 8.4 Review contractor applications for payment
- 8.5 Review warranty and operation manuals
- 8.6 Perform substantial completion and final completion inspections.
- 8.7 Review of final contractor pay application
- 8.8 Closeout drawings provided to Owner

**8b Construction Observation – Beechwood Cemetery**

- 8.9 Make site visits, coordinate, run and document bi-weekly project construction meetings, and provide clarification drawings while the site construction is in progress to assist the contractor in interpreting the contract documents and to ascertain the contractor's conformance with plans, and inform the Owner of any discrepancies. Scope assumes a 4 month construction duration.
- 8.10 Provide field reports
- 8.11 Review project site submittals and change orders.
- 8.12 Review contractor applications for payment.
- 8.13 Review warranty and operation manuals.
- 8.14 Perform substantial completion and final completion inspections.
- 8.15 Review of final contractor pay application.
- 8.16 Closeout drawings provided to Owner.

**Task 9: Additional Services**

Additional Services not included in Basic Scope of Services, which can be performed at the direction of the Owner. In addition to the foregoing being performed, the following services may be provided upon authorization of the Owner:

- Full boundary survey
- Additional topographic surveying beyond that described in Tasks 1a, 1b, and 6.
- Retaining wall design
- Geotechnical investigation and reports during construction phase
- Laboratory tests, borings, specialized geological, hydraulic or other studies recommended by the Consultant or required by the State
- Assistance in negotiating for land and easement rights.
- Redesigns directed by the Client or other agencies after Site Plans have been submitted. Site plan will not be initially submitted until Owner has reviewed and approved them.
- Significant redesigns directed by the Client or other agencies after Construction Drawings have been submitted to Public Works.
- Redesigns directed by the Client or other agencies after final plans have been accepted by the Client.
- Re-designs due to unknown or unanticipated field problems including, but not limited to unsuitable soil and undiscovered utilities.
- Environmental Issues
- Wetlands delineation and permitting
- Design of water and/or Sewer main utility extension
- Design of road improvements other than driveway connections

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- Traffic Studies
- Storm water studies or underground storm drainage design except as outlined in Task 6.
- As-Built record documents requiring survey or PE certification except as outlined in Task 6.
- Any modifications to the Site drawings other than those described in Tasks 1 through 8 above
- Building permits

3. In Exhibit A - Scope of Work: Design and Consulting Services for Maplewood and Beechwood Cemeteries Facilities and Site Improvements Study, Section II. Preliminary Project Design Schedule Summary, add the below preliminary design schedule at the end of Section II:

The following Amendment #1 projected schedule includes City review periods required to complete the work. The major project milestones include the following:

| <i>Milestone</i>  | <i>Duration</i> |
|---|-----------------|
| <i>Both Cemetery Sites:</i>   |                 |
| <b>Schematic Design Phase</b><br>-Includes Surveys                            | 7 weeks         |
| <b>Design Development Phase</b><br>-Includes Site Plan Submittal and Approval | 41 weeks        |
| <b>Construction Documentation Phase</b>                                       | 20 weeks        |
| <b>Bidding and Negotiation Phase</b>  | 12 weeks        |
| <b>Construction Observation and Closeout Phase</b>                            | 49 weeks        |

The estimated duration of the project is 129 weeks. This is a preliminary schedule and will be updated by the architect at the beginning of the project and at the completion of each phase.

4. In Exhibit A - Scope of Work: Design and Consulting Services for Maplewood and Beechwood Cemeteries Facilities and Site Improvements Study, Section III. Compensation, delete the existing table and replace with the following the Phase and Fee Schedule chart:

**Original Contract Fee Schedule:**

| <b>Phase</b>                                 | <b>Percentage</b> | <b>Base Contract Amount</b> | <b>Not to Exceed Allowance Amount</b> |
|--|-------------------|-----------------------------|---------------------------------------|
| <b>Site Investigation and Analysis Phase</b> | %                 | \$16,700                    |                                       |



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|   |      |             |                    |
|---|------|-------------|--------------------|
| Geotechnical Investigation                                    | %    |             | \$4,000            |
| <b>Concept Design Phase</b>                                   | %    | \$13,600    |                    |
| <b>Scope of Work Prioritization and Cost Estimation Phase</b> | %    |             |                    |
| <b>Cost Estimation Phase</b>                                  | %    | \$6,500     |                    |
| <b>Phase I Study Documentation Phase</b>                      | %    | \$5,500     |                    |
| <b>Total Basic Compensation</b>                               | 100% | \$42,300.00 |                    |
| <b>Total Not to Exceed Allowances</b>                         | 100% |             | \$4,000            |
| <b>Total Contract Value</b>                                   |      |             | <b>\$46,300.00</b> |

**Amendment #1 Fee Schedule:**

| <u>Task</u> | <u>Base Contract Amount</u> | <u>Not to Exceed Allowance Amount</u> |
|-------------|-----------------------------|---------------------------------------|
|-------------|-----------------------------|---------------------------------------|

**SCHEMATIC DESIGN PHASE– 13%**

|   |                 |                 |
|---|-----------------|-----------------|
| <b>Task 1a</b> Limited Surveying – Maplewood Cemetery |                 | \$ 2,950        |
| <b>Task 1b</b> Limited Surveying – Beechwood Cemetery |                 | \$ 2,400        |
| <b>Task 2a</b> Schematic Design - Maplewood           | \$ 12,600       |                 |
| Allowance for Pavement Geotechnical Testing           |                 | \$ 2,000        |
| <b>Task 2b</b> Schematic Design – Beechwood           | \$ 4,390        |                 |
| Allowance for Pavement Geotechnical Testing           |                 | \$ 2,000        |
| <b>Schematic Design Subtotals</b>                     | <b>\$16,990</b> | <b>\$ 9,350</b> |

**DESIGN DEVELOPMENT PHASE – 22.5%**

|  |                  |                 |
|--|------------------|-----------------|
| <b>Task 3a</b> Design Development/Site Plan Approval-Maplewood | \$ 29,950        |                 |
| Allowance for environmental testing                            |                  | \$ 3,500        |
| <b>Task 3b</b> Design Development/Site Plan Approval-Beechwood | \$ 11,950        |                 |
| <b>Design Development Subtotals</b>                            | <b>\$ 41,900</b> | <b>\$ 3,500</b> |

**CONSTRUCTION DOCUMENTATION PHASE – 40%**

|  |                  |                  |
|--|------------------|------------------|
| <b>Task 4a</b> Construction Documentation – Maplewood          | \$ 30,490        |                  |
| Allowance for Elec. Drawings secondary entries                 |                  | \$ 2,000         |
| <b>Task 4b</b> Construction Documentation – Beechwood          | \$ 12,390        |                  |
| <b>Task 5a</b> Permitting/Regulatory Approvals – Maplewood     |                  | \$ 2,640         |
| <b>Task 5b</b> Permitting and Regulatory Approvals - Beechwood |                  | \$ 2,640         |
| <b>Task 6a</b> Stormwater Design/CA/Certification – Maplewood  |                  | \$ 15,000        |
| <b>Task 6b</b> Stormwater Design/CA/Certification – Beechwood  |                  | \$ 15,000        |
| <b>Construction Documentation Subtotals</b>                    | <b>\$ 42,880</b> | <b>\$ 37,280</b> |

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**BIDDING AND NEGOTIATION PHASE – 3.5%**

|                |  |                 |  |
|----------------|--|-----------------|--|
| <b>Task 7a</b> | Bidding and Negotiation - Maplewood      | \$ 3,500        |  |
| <b>Task 7b</b> | Bidding and Negotiation - Beechwood      | \$ 3,500        |  |
|                | <b>Bidding and Negotiation Subtotals</b> | <b>\$ 7,000</b> |  |

**CONSTRUCTION OBSERVATION/CLOSEOUT PHASE – 21%**

|                |  |                  |                 |
|----------------|--|------------------|-----------------|
| <b>Task 8a</b> | Construction Observation/Closeout-Maplewood        | \$ 29,300        |                 |
|                | Allowance for 4 add'l progress meetings-Maplewood  |                  | \$ 2,000        |
| <b>Task 8b</b> | Construction Observation/Closeout-Beechwood        | \$ 10,880        |                 |
|                | Allowance for 2 add'l progress meetings-Beechwood  |                  | \$ 1,000        |
|                | <b>Construction Observation/Closeout Subtotals</b> | <b>\$ 40,180</b> | <b>\$ 3,000</b> |

|                      |           |           |
|----------------------|-----------|-----------|
| <b>Fee Subtotal:</b> | \$148,950 | \$ 53,130 |
|----------------------|-----------|-----------|

**Total Amendment #1 Value: \$202,080**

5. In Exhibit A - Scope of Work: Design and Consulting Services for Maplewood and Beechwood Cemeteries Facilities and Site Improvements Study, Section IV. Consultant Hourly Rates, deleted the section in its entirety and replace with the following:

Additional Services shall require an amendment to the contract and shall be billed on a not-to-exceed basis, in accordance with the hourly rates set forth in this Section. Additional services shall not be performed by the Architect without express prior approval from the Owner. The use of Allowances must be based on the hourly rates set forth in this Section and require prior written approval from the Owner.

**Coulter Jewell Thames, PA**

***Standard Hourly Rates***

|   |                |
|---|----------------|
| Principal Engineer/Landscape Architect/Surveyor ..... | \$ 140.00/hour |
| Licensed Professional Engineer .....                  | \$ 125.00/hour |
| Licensed Professional Landscape Architect .....       | \$ 125.00/hour |
| Licensed Professional Surveyor .....                  | \$ 115.00/hour |
| 2-man Survey Crew .....                               | \$ 125.00/hour |
| 1-man Survey Crew .....                               | \$ 95.00/hour  |
| Associate Landscape Architect .....                   | \$ 95.00/hour  |
| Engineer-in-training .....                            | \$ 95.00/hour  |
| Field Inspector .....                                 | \$ 75.00/hour  |
| AutoCAD/Survey Technician .....                       | \$ 80.00/hour  |
| Secretarial .....                                     | \$ 35.00/hour  |

6. All terms and conditions of the Original Contract not modified by this Amendment still remain in full force and effect.

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IN WITNESS WHEREOF, the City and the Contractor have caused this contract to be executed under seal themselves or by their respective duly authorized agents or officers.

ATTEST:

CITY OF DURHAM

\_\_\_\_\_ By: \_\_\_\_\_

Pre-audit certificate, if necessary \_\_\_\_\_

**COULTER JEWELL THAMES, P.A.**

By: \_\_\_\_\_ (SEAL)

Title of officer: \_\_\_\_\_

*[The following officers may sign for the corporation: chairperson; president; chief executive officer; vice-president; assistant vice-president; treasurer; or chief financial officer.]*

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State of \_\_\_\_\_

ACKNOWLEDGMENT BY CORPORATION

County of \_\_\_\_\_

I, a notary public in and for the aforesaid county and state, certify that  
\_\_\_\_\_ personally appeared before me this  
day and stated that he or she is

**(~~strike through the inapplicable:~~)** chairperson/ president/ chief executive officer/ vice-president/ assistant vice-president/ treasurer/ chief financial officer of **Coulter Jewell Thames, P.A.** a corporation, and that by authority duly given and as the act of the corporation, he or she signed, under seal, the foregoing contract or agreement with the City of Durham. This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public